



**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
JANUARY 8, 2019
FIRST AMENDED**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Ronald M. George State Office Complex, Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on January 8, 2019.

TUESDAY, JANUARY 8, 2019—9:00 A.M.

- (1) T-Mobile West LLC et al. v. City and County of San Francisco et al., S238001
- (2) Meza (Julia C.) v. Portfolio Recovery Associates, LLC et al., S242799
(*Cuéllar, J., not participating; Jenkins, J., assigned justice pro tempore*)
- (3) People v. Aranda (Brian Michael), S214116

1:30 P.M.

- (4) Christopher Gardner, as Public Defender for the County of San Bernardino v. Superior Court of San Bernardino County (People, Real Party in Interest), S246214
- (5) In re H.W., S237415
- (6) People v. Sanchez (Juan), [Automatic Appeal], S087569
(*To be called and continued to the February 2019 calendar.*)

CANTIL-SAKAUYE
Chief Justice

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c).) A justice pro tempore, or justices pro tempore, will be assigned as soon as possible.

**SUPREME COURT OF CALIFORNIA
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The following case summaries are issued to inform the public about cases that the California Supreme Court has scheduled for oral argument and of their general subject matter. In most instances, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

TUESDAY, JANUARY 8, 2019—9:00 A.M.

(1) *T-Mobile West LLC et al. v. City and County of San Francisco et al.*, S238001

#16-445 T-Mobile West LLC et al. v. City and County of San Francisco et al., S238001. (A144252; 3 Cal.App.5th 334; Superior Court of San Francisco County; CGC11510703.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issues: (1) Is a local ordinance regulating wireless telephone equipment on aesthetic grounds preempted by Public Utilities Code section 7901, which grants telephone companies a franchise to place their equipment in the public right of way provided they do not “incommode the public use of the road or highway or interrupt the navigation of the waters”? (2) Is such an ordinance, which applies only to wireless equipment and not to the equipment of other utilities, prohibited by Public Utilities Code section 7901.1, which permits municipalities to “exercise reasonable control as to the time, place and manner in which roads, highways, and waterways are accessed” but requires that such control “be applied to all entities in an equivalent manner”?

(2) *Meza (Julia C.) v. Portfolio Recovery Associates, LLC et al.*, S242799 (*Cuéllar, J., not participating; Jenkins, J., assigned justice pro tempore*)

#17-263 Meza (Julia C.) v. Portfolio Recovery Associates, LLC et al., S242799. (9th Cir. No. 15-16900; 1; 860 F.3d 1218; Northern District of California; No. 5:14-cv-03486-LHK.) Request under California Rules of Court, rule 8.548, that this court decide a question of California law presented in a matter pending in the United States Court of Appeals for the Ninth Circuit. The question presented is: Under section 98, subdivision

(a), of the Code of Civil Procedure, must an affiant in a limited jurisdiction matter be physically located and personally available for service of process at an address provided in the affiant's declaration that is within 150 miles of the place of trial?

(3) *People v. Aranda (Brian Michael), S214116*

#13-111 *People v. Aranda (Brian Michael), S214116*. (E056708; 219 Cal.App.4th 764; Superior Court of Riverside County Superior Court of; RIF154701.) Petition for review after the Court of Appeal affirmed an order dismissing one count and remanding for further proceedings. This case presents the following issue: Did the Court of Appeal err by holding that double jeopardy prevents retrial of defendant for first degree murder where the jury did not return a verdict on that offense and deadlocked on the lesser included offenses of second degree murder and voluntary manslaughter, because the trial court failed to afford the jury an opportunity to return a partial acquittal on the charge of first degree murder? (See *Blueford v. Arkansas* (2012) 566 U.S. ____ [132 S.Ct. 2044]; *Stone v. Superior Court* (1982) 31 Cal.3d 503.)

1:30 P.M.

(4) *Christopher Gardner, as Public Defender for the County of San Bernardino v. Superior Court of San Bernardino County (People, Real Party in Interest), S246214*

#18-38 Christopher Gardner, as Public Defender for the County of San Bernardino v. Superior Court of San Bernardino County (People, Real Party in Interest), S246214. (E066330; 17 Cal.App.5th 636; Superior Court of San Bernardino County; ACRA1600028, CIVDS1610302.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case presents the following issue: Is the Appellate Division of the Superior Court required to appoint counsel for an indigent defendant charged with a misdemeanor offense on an appeal by the prosecution?

(5) *In re H.W., S237415*

#16-405 *In re H.W., S237415*. (C079926; 2 Cal.App.5th 937; Superior Court of Sacramento County; JV137101.) Petition for review after the Court of Appeal affirmed orders in a juvenile wardship proceedings. This case presents the following issue: Did the Court of Appeal err in holding that a pair of pliers, which the defendant used to remove an anti-theft device from a pair of blue jeans in a department store, qualified as a burglary tool within the meaning of Penal Code section 466?

(6) *People v. Sanchez (Juan), [Automatic Appeal], S087569 (To be called and continued to the February 2019 calendar.)*

This matter is an automatic appeal from a judgment of death.